

**United States District Court
Northern District of Indiana**

JERMISHA CLARK,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:07-CV-82 JVB
)	
ALLSTATE INSURANCE COMPANY,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

On February 7, 2007, Plaintiff Jermisha Clark, an insured of Defendant Allstate Insurance Company under a renter's insurance policy, filed a three-count complaint against Allstate after Allstate denied her claim for reimbursement for property damage loss as the result of a fire at her residence. In Count II she alleged that Defendant breached its obligation to deal with her in good faith. On August 26, 2008, Defendant moved for partial summary judgment, asserting that there is no genuine issue of material fact as to whether it acted in bad faith in the investigation and denial of Plaintiff's claim (DE 38).

Plaintiff, who is represented by counsel, had until September 29, 2008, to respond to Defendant's motion or request an extension of time, but did not. Neither did Plaintiff's counsel request additional time to respond at the scheduling conference on November 24, 2008, but instead stated that no response would be filed. Moreover, in her final contentions (DE 57), Plaintiff claims only \$29,798.00 to reimburse her for property loss, but does not ask for damages for emotional stress or for punitive damages as she did in her complaint. Accordingly, the Court determines that Plaintiff has abandoned any claim for damages predicated on Defendant's

alleged bad faith denial of her insurance claim. The Court GRANTS Defendant's motion for partial summary judgment on the issue of bad faith.

SO ORDERED on January 27, 2009.

s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen
United States District Judge
Hammond Division